

Remarks

This response is provided in reply to an Office Action mailed **July 28, 2005**. In the Action, pending claims 1-4 and 6-27 were rejected under 35 USC §103(a) as being unpatentable over the peer-to-peer capability of Microsoft Windows 95™ networking, in view of various combinations of references as detailed below.

With this response, base claims 1, 11, 16, and 25 have been further amended to more clearly denote that which Applicant believes to be the invention and claims 6-7, 14-15, and 26-27 have been selectively amended to remove any lingering informalities identified therein. Support for the amendments can be found in the original specification, figures and/or claims and, in this regard, no new matter has been introduced.

Claims 1-4 and 6-27 remain pending with this response. In view of the foregoing amendment and subsequent remarks, reconsideration of the above captioned application is respectfully requested.

§103(a) Rejection of Claims 1-4 and 6-27

On **page 3** of the Action, claims 1, 2, 6-8, 11, 14-17, and 20 are rejected under 35 USC §103(a) as being unpatentable over the peer-to-peer capability of Microsoft Windows 95™ networking, in view of wireless LANs, as exemplified by Stewart (US 5,633,888). In response, Applicant has selectively amended base claims 1, 11, and 16 to more clearly denote that which Applicant believes to be the invention. For at least the reasons set forth below, the Applicant submits that claims 1-4 and 6-27 are not rendered obvious by the cited art.

Amended claim 1 recites (emphasis added):

A method of loading a music player with music, comprising:

establishing, *with a transceiver associated with a first automobile*, a wireless, peer-to-peer communication path(s) with a remote device(s) to request a music file from the remote device without *a priori* knowledge of whether the music file resides on the remote device; and

receiving, *with the transceiver associated with the first automobile*, the requested music file through a peer-to-peer wireless communication path(s) from the remote device(s).

Amended claim 11 recites, in part (emphasis added):

a receiver, *associated with an automobile*, to establish a peer-to-peer wireless communication path with a remote transceiver to receive a wireless communication in response to a request for a music file made to the remote transceiver without *a priori* knowledge of whether the music file is available to the remote transceiver;

Amended claim 16 recites, in part (emphasis added):

requesting, *from an automobile*, a music file from a remote device through a first wireless peer-to-peer communication path without *a priori* knowledge of whether the music file is available from the remote device;

receiving, *from the automobile*, at least a portion of the requested music file through a second wireless peer-to-peer communication from the remote device; and storing at least a portion of the music file in a non-volatile memory.

Regarding these elements of amended claims 1, 11, and 16, the Office Action generally directs the Applicant's attention to the peer-to-peer capability of Microsoft Windows 95™ networking in view of wireless LANS, as exemplified by Stewart (US 5,633,888). However, the cited art, alone and in combination, fails to disclose, teach, or suggest all of the claimed limitations of amended claims 1, 11, and 16.

Specifically, **neither Microsoft Windows 95™ networking nor Stewart, alone or in combination, disclose, teach, or suggest *requesting or receiving a music file from an automobile***. The generally cited peer-to-peer capability of Microsoft Windows 95™ networking

certainly fails to disclose or teach such limitation. Rather the cited Microsoft Windows 95™ networking merely discloses that the common configuration of two computers exchanging data on a wireless local area network is a form of peer-to-peer communication. Stewart merely discloses a method to provide smoother and faster handoff in a wireless LAN. Neither Microsoft Windows 95™ networking nor Stewart, alone or in combination, discloses *requesting* or *receiving* a music file from an automobile as claimed in amended claims 1, 11, and 16.

Applicant respectfully asserts that one skilled in the art would not be motivated by the cited prior art to practice the claimed invention because the prior art fails to disclose or suggest all of the claimed limitations. Accordingly, Applicant respectfully requests that the §103(a) rejection of claims 1, 11, and 16 be withdrawn.

Applicant notes that claims 2-4, 6-10, 12-15, and 17-24 depend from claims 1, 11, and 16. Thus, in addition to any independent bases for patentability, such claims are likewise not rendered obvious by the cited art by virtue of at least such dependence on claims 1, 11, and 16. Accordingly, Applicant respectfully requests that the §103(a) rejection of such claims be withdrawn.

Applicant respectfully submits that amended claim 25 enjoys features analogous to those presented above in claim 11 (a receiver associated with an automobile). Accordingly, Applicant respectfully submits that claim 25 is similarly not rendered obvious by the cited art by using arguments analogous to those presented above for claim 11. As such, Applicant respectfully requests that the §103(a) rejection of such claim be withdrawn.

Applicant notes that claims 26-27 depend from claim 25. Thus, in addition to any independent bases for patentability, such claims are likewise not rendered obvious by the cited art

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by virtue of at least such dependence on claim 25. Accordingly, Applicant respectfully requests that the §103(a) rejection of such claims be withdrawn.

Conclusion

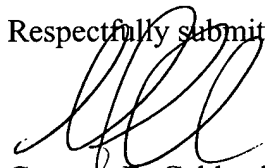
The foregoing is submitted as a full and complete response to the Office Action mailed **July 28, 2005**. In view of the foregoing amendment and remarks, Applicant respectfully submits that pending claims 1-4 and 6-27 are in condition for allowance and a notification of such allowance is respectfully requested.

Should it be determined that an additional fee is due under 37 CFR §§1.16 or 1.17, or any excess fee has been received, please charge that fee or credit the amount of overcharge to deposit account #50-0221.

If the Examiner believes that there are any informalities which can be corrected by an Examiner's amendment, a telephone call to the undersigned at 503.439.8778 ext 235 is respectfully solicited.

Date: 11/22/05

Respectfully submitted,



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